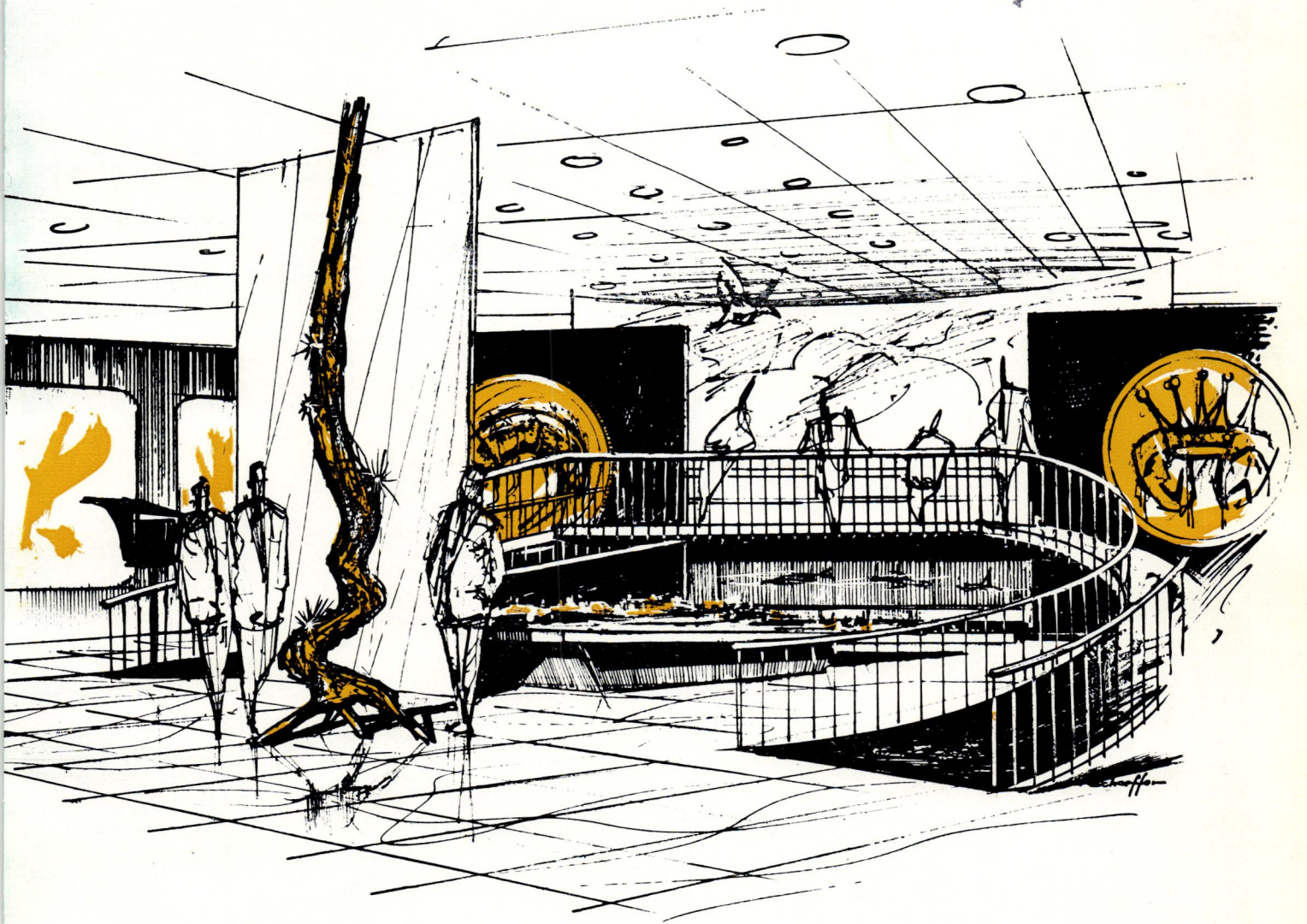


# LOUISIANA ARCHITECT


APRIL

1964

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Elementary School, Eunice, La. **OWNER:** St. Landry Parish School Board. **ARCHITECTS:** Tolson & Hamilton. **CONTRACTOR:** E. E. Rabalais & Son, Inc.

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Structural Engineer: John P. Nix, St. Louis. Structural  
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#### LAA OFFICERS AND BOARD

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## LAA LEGISLATION

The April Issue of LOUISIANA ARCHITECT is devoted almost in entirety to publicizing the planned legislative program of the LAA. It is hoped that widespread dissemination of the proposed amendments will make it possible for all interested parties to be thoroughly informed of the Association's legislative intentions before the session opens so that "fears of the unknown" will be non-existent.

The LAA program is basically the same one offered in 1962 with which no allied organizations took issue. At that time, endorsements came from the State Board of Architectural Examiners, the Louisiana Section of the American Society of Civil Engineers, the Gulf Institute of Consulting Engineers, the Louisiana Engineering Society, the Associated General Contractors, the heads of the Schools of Architecture at LSU, Tulane, and USL, and from the American Institute of Architects. We invite re-endorsements from these groups at this time.

## THIS MONTH'S COVER . . .

This month's cover is John Schaeffer's conception of his exhibit for the Louisiana Pavilion at the New York Worlds Fair 1964-65.

The 5,000 square foot exhibit will be housed in the 120,000 sq. ft. Louisiana Pavilion across from the Vatican Pavilion.

Theme of the exhibit is "The Fabulous Face of Louisiana."

Leaning heavily on several color slide shows projected on wall-size screens, the exhibit will show pictorially through sculpture and static exhibits fragments of the varied resources, culture and peoples of the State.

Centerpiece of the exhibit will be an 11-foot-tall steel sculpture portraying the course of the Mississippi River from its entry into the State to its mouth. This will be backed by a polished black granite slab and an 18-foot-square relief map portraying the natural riches of the state.

The exhibit has been designed by Schaeffer for The Louisiana Worlds Fair Commission. James S. Reily is chairman of the Commission: Don Whittinghill will serve as exhibit manager.

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## LAA MEETING CALENDAR

Home Industry Committee	11:30 Thursday morning April 30	Jack Tar Capitol House Baton Rouge
Ethics & Infringements Committee	Thursday afternoon April 30	Jack Tar Capitol House Baton Rouge
Fee Schedule Committee	Thursday afternoon April 30	Jack Tar Capitol House Baton Rouge
Executive Committee	Thursday afternoon April 30	Jack Tar Capitol House Baton Rouge
Baton Rouge Chapter Potluck Supper (Board members and wives arriving early are in- vited)	Thursday evening April 30	W. J. Evans Home Baton Rouge
Board Meeting	10:00 a.m., Friday, May 1	Jack Tar Capitol House Baton Rouge
LAA Members' Legislative Conference	10:00 a.m., Saturday, May 2	Jack Tar Capitol House Baton Rouge

# SIGNIFICANT COURT CASE

Dear Mr. Tassin:

March 25, 1964

Enclosed is a resume and statement from the attorneys relative to a suit in the amount of \$155,000 against the engineers who were acting in a professional capacity in relation to the supervision and resident inspection of the contractor's operations in constructing the Houma vehicular tunnel in Terrebonne Parish, Louisiana.

The decision of the Louisiana Supreme Court is of significance because the suit against the engineers was not tried on its merits but was dismissed on a motion for summary judgment. This aspect of the litigation may have national significance. . . .

Yours very truly,  
FROMHERZ ENGINEERS  
By: Alvin M. Fromherz

## Resume

*J. B. Thomas vs. Fromherz Engineers, et als.*

*State of Louisiana*

*17th Judicial District Court—No. 19-899*

*Houma—Parish of Terrebonne—Louisiana*

The petition of J. B. Thomas, a resident of the full age of majority of Terrebonne Parish, Louisiana, employed by Baltimore Contractors, Inc. as a "sand-hogger."

Fromherz Engineers, Consulting Engineers, domiciled in the City of New Orleans, Louisiana.

Singstad & Baillie, Consulting Engineers, domiciled in the City of New York.

New Amsterdam Casualty Company, insurers of Baltimore Contractors, Inc., General Contractors, for the construction of a vehicular tunnel under the intra-coastal waterway at Houma, for the Louisiana Department of Highway.

Lloyd LeBlanc and Jack L. Barker, employees of Baltimore Contractors, Inc.,

Fromherz Engineers and Singstad & Baillie consulting engineers were employed as joint venturers by the State of Louisiana to supervise and direct the construction of a vehicular tunnel at Houma, Terrebonne Parish, Louisiana.

On or about April 16, 1959, Lloyd LeBlanc, petitioner's foreman, ordered petitioner, J. B. Thomas, to stand at a point in the said operation for the setting of a piling being place by a pile driver operated by the defendant, Jack L. Barker.

Lloyd LeBlanc was directing the moving of said pile driver, motioning Jack LeBlanc in the movement of the piling.

When the piling was directly over J. B. Thomas head, it suddenly slipped from the lead line on the pile driver, which lead line was not equipped with an end unit, and piling struck J. B. Thomas with great force causing serious and permanent injuries.

Said accident was caused by the negligence of defendants Fromherz Engineers and Singstad & Baillie, Consulting Engineers, in failing to inspect said equipment; in permitting said pile driver to operate without the proper safety appliances, particularly an end unit to securely hold the pilings which were being set.

J. B. Thomas itemizes his damages as follows, to-wit:

Medical expenses incurred and to be incurred . . .	5,000.00
Loss of wages, past, present and future . . . . .	50,000.00
Mental pain and suffering, past and future . . . .	50,000.00
Physical injuries and impairment of bodily functions . . . . .	50,000.00
or a total of . . . . .	155,000.00

J. B. Thomas now shows that on and prior to April 16, 1959, there was in full force and effect by the payment of premiums and otherwise, a policy of public liability insurance issued by the defendant New Amsterdam Casualty Company in favor of Baltimore Contractors, Inc., under the terms of which policy it agreed to insure and indemnify defendants herein against any and all liability and, accordingly, said insurer is a proper defendant herein.

—::—

Re: J. B. Thomas v. Fromherz Engineers, et al.

Our File 60-300

Dear Mr. Fromherz:

Upon my return to the office Mr. Kelleher conveyed to me your request for a synopsis of the Court of Appeal opinion and the consequences which flow from the successful termination of the case. My purpose in writing is to answer this request.

As I see it, the only unique aspect of the litigation is the successful application of the legal procedural device known as a motion for summary judgment to a case which we otherwise could have won but which would have necessitated a lengthy and costly trial on the merits.

To accomplish this result it was necessary for us to demonstrate to the court's satisfaction that although the plaintiff's petition alleged a cause of action against the engineers, in that they alleged the defendant engineers were negligent because the plaintiff's injuries were caused by a pile which "slipped from the lead line, which lead line was not equipped with an end unit" (a device used to secure piles to the cabling which lowers them into position), and that the engineers breached an alleged duty owed to the plaintiff growing out of the obligation in the contract with the State of Louisiana "to supervise and direct construction of an underwater tunnel at Houma," by various procedural devices including an exception of vagueness filed to the petition and written interrogatories to the plaintiff and his answers, we, in effect, forced the plaintiff to paint himself into a corner and satisfy the court that although he had pleaded a cause of action there was no genuine issue as to any material fact, and, therefore, as a matter of law the defendants were entitled to judgment without a trial on the merits.

Insofar as the projected value of the case to engineers engaged in work such as that performed by your firm and Singstad & Baillie, the case only illustrates that where there has been no special duty assumed and as a matter of fact the engineers have not undertaken the responsibility of the contractor's safe operation, this so-called summary procedure can be invoked to extricate the engineer. In this case summary equalled approximately four years.

Very truly yours,

LEMLE & KELLEHER

Carl J. Schumacher, Jr.

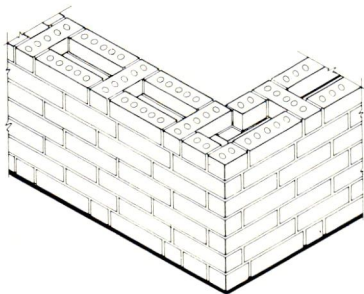
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## THE HIDDEN FACTORS

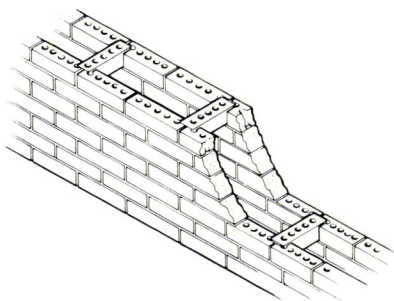
IN WALL SYSTEMS

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The 10" Double-Wall System is well suited to most commercial and architectural designs. The 12" Double-Wall System gives the flexibility of greater height and increased vertical storage space. *Its bonders are not exposed, so exterior and interior walls can be complementary or matching brick.* The wide range of King Size Brick colors and textures enliven even the most imaginative decorative approaches.

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# PROPOSED AMENDMENTS TO THE LAW RELATING TO THE PRACTICE OF ARCHITECTURE IN THE STATE OF LOUISIANA

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## THREE-COLUMN DRAFT

*The following pages feature a three-column presentation of the legislation planned for the forthcoming session of the Legislature. The left column shows the existing architectural law; the center column contains the amendments which are to be introduced, and the right column gives comments on the proposed changes.*

*This type of presentation was devised by LAA Legal Counsel Alvin Rubin to make it simple for you and your Legislator to digest proposed changes and to absorb the reason for these changes. There may be a few minor corrections before the session.*

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## HOW TO COMMUNICATE

Here are three simple recommendations for effective communication with your Legislator:

(1) **KNOW YOUR LEGISLATOR:** If you don't, it is your own fault because your Legislator is about the easiest public servant to meet. Don't feel that your contact with your Legislator is an imposition on him. As long as he hears from his constituency, he knows he is on the right "wave length." He respects your straightforward communication and he never tires of hearing from you when you can contribute to the welfare of the State. He wants to know you and your problem even more than you want to know him because after all he realizes he is your voice in Baton Rouge and he is very much influenced by your suggestions.

(2) **KNOW YOUR SUBJECT:** Every day your Legislator receives dozens of letters and he has little or no staff to answer these letters. Only about 1 letter in 25 is from a constituent who knows his subject. Every day your Legislator may receive from 20 to 50 telegrams urging his vote for or against a certain bill. At best the telegram is brief and does not provide enough information about you or the bill. The most effective correspondence with your Legislator is to talk with him personally and if this is not possible, write him a letter on your business letterhead. Base this communication on what you

know from your own personal experience. Provide your Legislator with facts and figures. Be complete but also be brief.

(3) **KNOW THE PROCEDURE TO FOLLOW:** Your Legislator is a busy man who must attend to the business of earning a living for his family in addition to serving you and your neighbors in the House of Representatives or Senate. His time is precious. While personal contact is by far the most effective way to communicate with him, be prepared to get your message across in a minimum period of time. Remember, numerous other people are anxious to speak with him.

The BUDDY SYSTEM, being organized by three or four chapters, is highly recommended for your use. Two of you visiting a Legislator together offers several advantages, among which are: 1. You serve as a conscience to one another in seeing to it that you attend to this responsibility. 2. The Legislator appreciates your visit as one in the interest of your profession. 3. Your fellow chapter members likewise appreciate your noble motives and follow suit.

During the session, your Legislator either is attending committee meetings or is on the floor where legislation is being considered. Only in the evening does he usually get a chance to read letters and telegrams. Time is precious here also.

If your Legislator is not a member of the committee concerned with a specific bill, you should request that he discuss the legislation with the members of the pertinent committee. Write to your Legislator when the bill is pending in committee. Don't wait until it is on the floor. If your Legislator pleases you with his vote on any issue, write and tell him so. Once in a great while he gets a letter of thanks, and he is very likely to remember it when he does.

## LEGISLATIVE CONFERENCE

An LAA Legislative Conference will be held in Baton Rouge on May 1. Your Chapter should be prepared at that time to report on the results of its contacts with the Legislators in your chapter area. Your chapter also will be asked to submit the names of the Legislators from your area who have agreed to serve as authors of LAA bills. The more the merrier. Time is of essence.

Text of Existing Law

R.S. 37:141. Definitions

As used in this Chapter:

- (1) "Board" means the State Board of Architectural Examiners.
- (2) "Architect" means a person who is technically and legally qualified to practice architecture.
- (3) "Architecture" means the designing and overseeing of the construction of buildings. As amended Acts 1958, No. 524, §1.

Proposed Amendment

R.S. 37:141. Policy and definitions

A. In order to safeguard life, health and property and to promote the public welfare, the practice of architecture in this State is reserved to those persons who have the proper qualifications and have been registered by the board.

B. As used in this Chapter:

- (1) "Board" means the State Board of Architectural Examiners.
- (2) "Architect" means a person who is technically and legally qualified to practice architecture.
- (3) The word "architecture" or the words "the practice of architecture" are defined as the professional activities of a registered architect. This includes advice concerning and preparation of necessary documents for the design and construction of buildings and their environment with the principal purpose of providing space for human use whether interior or exterior, permanent or temporary, and including, but not limited to, buildings for social, political and economic service in fulfilling domestic, religious, educational, recreational, memorial, financial, commercial, industrial and governmental needs and the like, and the inspection of construction to determine its conformity with such documents.

The definition of the practice of architecture presently contained in the statute is so embrace as to be virtually meaningless. This is particularly true with regard to the portion which defines architecture as "overseeing of the construction of buildings," a term which is broad enough to include work of any building superintendent or contractor. The suggested language is taken from a report of the National Council of Architectural Registration Boards published in the AIA Journal for July, 1961 page 52, in part, with an added reference to inspection.

This makes it clear that the board has the power to adopt rules and regulations and specifies the purposes for which such rules and regulations may

R.S. 37:144. Powers and authority of board

Three members of the board constitute a quorum for the purpose of holding examinations, granting certificates and transacting other business within the scope of this Chapter.

The certificate of the board shall entitle the holder to practice as an architect in Louisiana.

## Text of Existing Law

The board shall, in accordance with the spirit and intent of the law, make such rules and regulations as may be desirable or necessary for the performance of the duties and for carrying out the purposes of this Chapter. As amended Acts 1958, No. 524, §1.

## Proposed Amendment

The board shall have the power to adopt and, from time to time to amend, such rules and regulations as are reasonably necessary for the proper performance of its duties, for carrying out the purposes of this Chapter, for the regulation of proceedings before it, and for the regulation of the practice of architecture under the laws of this State.

The rules and regulations which may be adopted by the board from time to time shall be promulgated by making a copy available for inspection at the office of the State Board of Architectural Examiners and by publishing a notice to the effect that these rules and regulations have been adopted in the official state journal at least three times during a period of ten days.

The domicile of the board shall be Baton Rouge, Louisiana.

## R.S. 37:147. Examination before board; qualifications

All persons, before entering upon the practice of architecture, shall pass a satisfactory examination before the board.

For the purpose of qualifying for the examination, the applicant shall present satisfactory evidence to the board that he is

- (1) At least 21 years of age,
- (2) Of good moral character and reputation,
- (3) A graduate in the course of architecture or architectural engineering of Louisiana State University, Tulane University, or of any other college of architecture or architectural engineering approved by the board.

The holder of a diploma may take the examination or any part of it as prescribed by the board immediately after graduation

## Comments

be adopted. The provisions of the 1962 Act which would have authorized the board to hire employees have been omitted.

A college diploma is not enough to qualify a person to practice architecture unless he has in addition some practical experience under proper supervision. This amendment would require 3 years of actual experience in addition to the present requirements for licensing.

In order to avoid any possible unfairness to persons presently studying architecture, this amendment would not take effect until July 1, 1968, and even then would not apply to persons who are in the process of being examined by the board at that time.

Text of Existing Law

or at any time thereafter when such examination or parts of it are held.

In lieu of the requirements of a diploma the applicant may furnish satisfactory evidence that he has five years of practical experience in the office of a licensed architect actually engaged in the practice of architecture as a profession.

Proposed Amendment

C. The holder of a diploma may take the examination after he has furnished evidence satisfactory to the board that he has had three years of practical experience, acquired before or after graduation, in the office of a licensed architect actually engaged in the practice of architecture as a profession. This three year experience provision shall not be effective until July 1, 1968.

D. In lieu of the requirement of a diploma to qualify for examination, the applicant may furnish satisfactory evidence that he has had eight years of practical experience in the office of a licensed architect actually engaged in the practice of architecture as a profession. Prior to July 1, 1968, the experience requirement in lieu of a diploma shall be five years.

E. The provisions of paragraphs C and D above relative to July 1, 1968, shall not apply to applicants in the process of being examined by the board on that date.

R.S. 37:149. Examinations, persons exempt

A. The board may upon application and the payment of a fee equivalent to that required for regular written examination and certificate, issue a certificate of registration and license to practice the profession of architecture in this state to any person who has passed a standard National Council of Architectural Registration Boards examination and upon certification issued by the National Council of Architectural Registration Boards if such examination is equivalent to that prescribed by the board, and if the applicant has three years of practical experience in the office of an architect actually engaged in the practice of architecture as a profession and lawfully licensed in any state.

Upon application and the payment of a fee equivalent to that required for regular written examination and certificate, the board may issue a certificate of registration and license to practice the profession of architecture in this state to any person who has passed a standard National Council of Architectural Registration Boards examination and upon certification issued by the National Council of Architectural Registration Boards if such examination is equivalent to that prescribed by the board, and if the applicant has three years of practical experience in the office of an architect actually engaged in the practice of architecture as a profession and lawfully licensed in any state.

Comments

In addition, the amendment would make the experience requirement for persons who do not have a college degree eight years instead of five years; this also would be effective only after July 1, 1968, so that anyone now in the process of completing his experience requirement would be protected.

Text of Existing Law

The board may also require that the applicant under this Section submit other proper evidence of his ability to engage in the practice of architecture and evidence of his continued honorable professional conduct after passing the examination before the National Council of Architectural Registration Boards. The board may review the examinations referred to in this Section to determine and decide whether the examination is equivalent to that prescribed by the board.

B. Any person who:

- (1) Has been a resident of Louisiana for a period of two years immediately prior to July 28, 1948;
- (2) Served in the armed forces of the United States for any period of time from December 8, 1941, to September 2, 1945, and was honorably discharged; and presents to the board a diploma from an architectural or architectural engineering college or school situated in Louisiana or a diploma from an accredited school of architecture outside Louisiana shall be exempt from any examination required by this Chapter. The board, upon proof of the requirements of paragraphs (2) and (3) of this Sub-section, and upon payment of the required fees, shall issue to the applicant a license for the practice of architecture in this state. The exemption provided in this Sub-section shall expire on October 1, 1952.

R.S. 37:150. Temporary permits

To prevent delay and inconvenience any two members of the board may grant, after a satisfactory examination of any applicant, a temporary permit to practice and shall report this to the next regular meeting of the board. The temporary permit shall not

Proposed Amendment

The board may also require that the applicant under this section submit other proper evidence of his ability to engage in the practice of architecture and evidence of his continued honorable professional conduct after passing the examination before the National Council of Architectural Registration Boards. The board may review the examination referred to in this section to determine and decide whether the examination is equivalent to that prescribed by the board.

Omit this Section.

This section ceased to be effective October 1, 1952, and should therefore be deleted.

Comments

The board has suggested that, because the provisions for temporary permits are infrequently used and are inconvenient, this provision be deleted.

Section 150 of Title 37 of the Louisiana Revised Statutes of 1950 is hereby repealed.

Text of Existing Law

continue in force longer than until the next regular meeting of the board and shall in no case be granted less than six months after the applicant has been refused a permit by the board.

R.S. 37:155. Use of title "Architect"

The name of the architect followed by the title "architect" shall appear on every advertisement and letterhead used by a practicing architect in connection with his practice.

The name of the architect followed by the title "architect" shall appear on every publication, announcement and letterhead used by a person practicing architecture in connection with his practice.

Every registered architect shall have a seal. This shall contain his name, the words "Registered Architect, State of Louisiana," and the architect's license number. All drawings and specifications issued by the architect for use in this state shall be stamped with the seal.

No architect shall affix his seal or permit it to be affixed to any plan, specification, drawing or other related document which was not prepared either by him or under his responsible supervision. No architect shall use his seal or do any other act as an architect unless he is at the time duly registered and unless his license has been properly renewed.

R.S. 37:156. Board; power to revoke, rescind, suspend, license

The board shall have the power and authority to revoke, rescind, or suspend the license of any architect, after hearing had under the rules of the board when its holder has been convicted of a crime. As Amended Acts 1958, No. 524, §1.

R.S. 37:156.l. Board; power to revoke, rescind or suspend licenses.

The board shall have the power to revoke, rescind or suspend the license of any architect for any of the following causes:

- (1) Gross incompetence, dishonesty or gross negligence in the practice of architecture.
- (2) Affixing his seal or name to any plan, specification, drawing or other related document which was not prepared by him or under his responsible supervision and control, or permitting his seal or name to be affixed to any such document.

Proposed Amendment

R.S. 37:155. Use of title "Architect"; seal

This requires every architect to affix a seal to plans prepared by him, and prohibits an architect from affixing his seal to any plan, specification or other document not prepared either by him or under his responsible supervision.

Comments

At present, the board has no power to revoke, rescind or suspend the license of an architect unless he has been convicted of a crime. This amendment would add additional grounds for disciplinary action against architects. However, in order to protect architects from arbitrary action, it provides for notice and

(3) Using his seal or engaging in any other act constituting the practice of architecture at a time when his certificate of registration is suspended or at a time when his current renewal has not been obtained in accordance with the law.

(4) Conviction of a felony, in which case the record of conviction is conclusive evidence of such conviction.

(5) Wilfully misleading or defrauding any person employing him as an architect.

(6) Wilfully violating the provisions of this Title or any lawful rule or regulation adopted by the board pursuant to law.

R.S. 37:156.2. Proceedings to revoke, rescind or suspend the license of an architect; complaint.

Proceedings to revoke, rescind or suspend the license of an architect shall be begun by filing a written complaint with the board against the architect in the form of a sworn affidavit. A time and place for the hearing of the charges shall be fixed by the board. The board may, upon its own motion, investigate the actions of any architect and file a complaint against him.

R.S. 37:156.3. Investigation of the unauthorized practice of architecture.

The board may, upon its own motion, and shall, upon written complaint, in the form of sworn affidavit of any person, investigate the actions of any person who is not licensed as an architect and who purports to practice architecture, uses the name "architect" or any term derived therefrom, or who may be practicing architecture. If the board finds that the person has violated this Chapter, it may file a complaint with the proper District Attorney.

R.S. 37:156.4. Proceedings to revoke, rescind or suspend the license of an architect; complaint and notice of hearing.

hearing, and permits the architect to appeal to court if he is not satisfied with the decision of the board.

In addition, these amendments give the board express authority to investigate the unauthorized practice of architecture.

A copy of the complaint shall be mailed to the architect against whom a complaint has been filed at his last known address by registered or certified mail at least 20 days prior to the hearing together with a notice of the time and place of the meeting of the board at which the complaint shall be heard.

R.S. 37:156.5. Proceedings to revoke, rescind or suspend the license of an architect; hearing.

At the hearing the architect against whom a complaint has been filed shall have the right to cross-examine witnesses against him, to produce witnesses in his defense and to appear personally or by counsel.

R.S. 37:156.6. Proceedings to revoke, rescind or suspend the license of an architect; hearing; vote.

No action shall be taken to rescind, revoke or suspend the license of any architect unless a quorum of the board is present at the hearing and then only by an affirmative vote of at least three-quarters of the members of the board present.

R.S. 37:156.7. Proceedings to revoke, rescind or suspend the license of an architect; suspension.

If the board determines upon the suspension of the license of any architect, it shall fix the duration of the period of the suspension.

R.S. 37:156.8. Proceedings to revoke, rescind or suspend the license of an architect; notice of decision.

If the board revokes, rescinds or suspends the license of any architect, the secretary of the board shall give written notice of its action by registered or certified mail to the person against whom the complaint was filed at his last known

address and shall give notice to the clerk of the district court of the parish in which the registration is recorded, who shall duly cancel the recordation of such registration.

R.S. 37:156.9. Proceedings to revoke, rescind or suspend the license of an architect; documents; witnesses.

The board may require the production of books, papers or other documents and may issue subpoenas to compel the attendance of witnesses to testify and to produce any relevant books, papers or other documents in their possession before the board in any proceeding concerning any violations of the laws regulating architects or the practice of architecture. The subpoenas shall be served by the sheriff of the parish where the witness resides or may be found. If any person refuses to obey any subpoena so issued, or refuses to testify or to produce any books, papers or other documents required to be produced, the board may present its petition to the district court of the parish in which that person was served with the subpoena setting forth the facts. The court shall then issue a rule to that person requiring him to obey the subpoena or show cause why he fails to obey it. Unless that person shall show sufficient cause for failing to obey the subpoena the court shall direct him to obey the subpoena and, upon his refusal to comply, he shall be adjudged in contempt of court and punished therefor, as the court may direct.

R.S. 37:156.10. Appeal from decision of the board.

Any architect who has been found guilty by the board of the charges filed against him and whose license has been revoked, rescinded or suspended, shall have the right to appeal to the district court of the parish in which the hearing was held. If the architect desires to appeal, he

must file a petition with the district court for the district in which the hearing was held within 30 days from the date of the receipt by the architect by registered or certified mail of the decision of the board. The district court shall hear the entire matter on evidence presented to it and shall decide whether the evidence presented to it justifies the action of the board.

R.S. 37:156.11. Board; power to modify decision; reinstatement after suspension.

The board shall have the power to issue a new certificate of registration, change the revocation of an architect's license to suspension of that license, or to shorten a period of suspension, upon satisfactory evidence that proper reasons for such action exist, presented by any person whose license as an architect has been revoked, rescinded or suspended. Any person whose certificate of registration has been suspended shall have his certificate of registration automatically reinstated by the board at the end of his period of suspension.

R.S. 37:160. Exemptions

The provisions of this Chapter shall not apply to:

(1) Officers and employees of the United States in the execution of their official duties in the practice of architecture for the federal government;

(2) Civil engineers as defined in R.S. 37:681-37:704;

(3) Registered architects of other states when associated with or consulting with any registered architect of this state; and

The provisions of this Chapter requiring persons to be registered and licensed and forbidding the practice of architecture by unlicensed persons shall not apply to:

(1) Officers and employees of the United States in the execution of their official duties in the practice of architecture for the federal government;

(2) Civil engineers licensed in accordance with R.S. 37:681-37:704, if they do not use the designation "architect" or any term derived therefrom;

The only change made in this section is to prohibit civil engineers from calling themselves "Architects"; civil engineers are expressly exempted from all other requirements of the law. No change has been made in any of the other exemptions.

(4) Residents of this state acting as designers for (a) buildings that are to be constructed for personal use, provided such buildings are not intended, or adaptable for public employment, assembly or other occupancy by the public; (b) residences or buildings, public or private, of any type that are constructed at a cost, not including site, of not to exceed \$40,000.00; and further provided that such person designing said buildings in above said subdivisions (a) and (b) are residents of the state of Louisiana do not use the title "Architects" or any term derived therefrom. As amended Acts 1958, No. 524, §1.

(3) Registered architects of other states when associated with or consulting with any registered architect of this State; and

(4) Residents of this State acting as designers for (a) buildings that are to be constructed for personal use, provided such buildings are not intended, or adaptable, for public employment, assembly, or other occupancy by the public; (b) residences or buildings, public or private, of any type that are constructed at a cost, not including site, of not to exceed \$40,000.00.

The provisions of Section 158 of this Chapter shall however apply to all of the persons named above other than registered architects of other states when associated with or consulting with a registered architect of this State.

No section of this Chapter shall in any manner affect, modify, or repeal Act 73 of the Louisiana Legislature of 1950 (R.S. 37:681 through 37:704, inclusive).

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# STATUTE OF LIMITATION

AN ANCIENT PRINCIPLE of law holds that in the process of establishing rules whereby men may adjust and settle their differences it is important and necessary that there be some point in time when rights and obligations must be settled, and after that time the aggrieved party is foreclosed from exercising his right or claim. This principle is embodied in the laws of every state, though statutes of limitations vary according to the state and type of claim; the precise details are as determined by the legislature.

There are sound, practical reasons for this well-established principle of law. Witnesses to the transaction in dispute may die or move away; physical evidence may be lost; memories grow hazy. And not the least reason for the rule is that as a matter of good business practices a person should have some

reasonable security that the slate has been wiped clean of past errors or failures in connection with former transactions. An equally important principle, however, is that an aggrieved or injured party have an adequate period of time to perfect and process his claim from the date of the occurrence which caused the alleged injury or damage. This period of time generally is about three years, though it will vary by states and types of cases.

Unfortunately, Louisiana does not have a statute of limitations. The following bill will be introduced in a joint effort by several components in the construction industry in the coming session.

## Proposed Amendment

### R.S. 9:2772. Prescriptive Period for Actions Involving Deficiencies in Design, Supervision or Construction of Improvements to Immovables.

1. No action, whether ex contractu, ex delicto, or otherwise to recover on a contract or to recover damages shall be brought against any person performing or furnishing the design, planning, supervision, inspection or observation of construction or construction of an improvement to immovable property:

- (a) More than five years after the date of registry in the mortgage office of acceptance of the work by owner; or
- (b) If no such acceptance is recorded within six months from the date the owner has occupied or taken possession of the improvement, in whole or in part, for the use for which it was intended, more than five years after the improvement has been thus completed by the owner; or
- (c) If the person furnishing the design and planning does not perform any inspection of the work, more than five years after he has completed the design and planning with regard to actions against that person.

2. The causes which prescribe within the time described above include any actions:

- (a) For any deficiency in the design, planning, inspection, supervision or observation of construction or in the construction of an improvement to immovable property.

- (b) For damage to property, movable or immovable, arising out of any such deficiency;
- (c) For injury to the person or for wrongful death arising out of any such deficiency; and
- (d) Any action brought against a person for the action or failure to act of his employees.

This prescriptive period shall extend to every demand whether brought by direct action or for contribution or indemnity or by third party practice, and whether brought by the owner or by a third person.

3. If such an injury to the property or to the person or if such a wrongful death occurs during the fourth year after the date set forth in Section 1, an action to recover the damages thereby suffered may be brought within one year after the date of the injury, but in no event more than six years after the date set forth in Section 1 (even if the wrongful death results thereafter).

4. Nothing in this act shall be construed as extending the periods prescribed by Articles 3536 and 3537 of the Louisiana Civil Code, or the period prescribed by Louisiana Revised Statutes 38:2189, or any other liberative prescriptive period provided by the laws of this State.

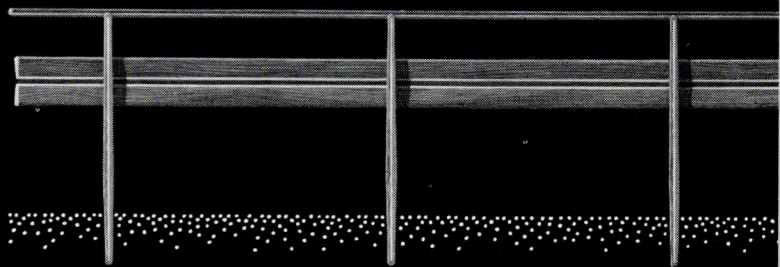
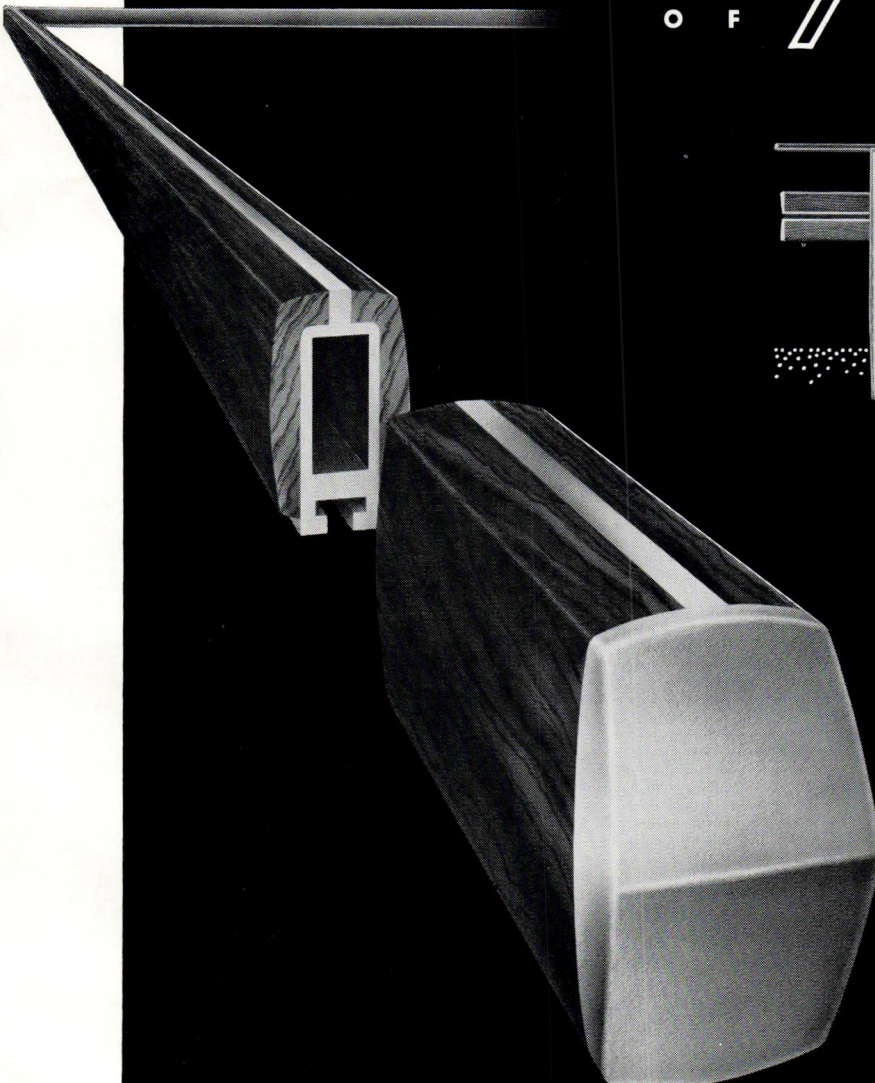
5. The prescriptive period provided by this Act shall not be asserted by way of a defense in possession or control, as owner, lessor, tenant, or otherwise, of such an improvement at the time any deficiency in such an improvement constitutes the proximate cause of the injury, damage, or death sued upon with regard to any cause of action arising out of the alleged delict, quasi delict, or obligation of any such person arising out of his possession or control of the property.

6. All laws or parts of laws in conflict herewith are hereby repealed.



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MARY PLANTATION—River Road, La. 39, East Bank, 2 miles south of Belle Chasse Ferry.

The original part of this house was probably built at the end of the 18th Century. It is believed that the house took its present form with galleries on four sides in the early 1800's.

The lower walls are solid brick and quite thick; brick-between-post construction is evident above. All the original timbers are notched and pegged together.

The present residents, Mr. and Mrs. E. R. Knobloch, have exercised excellent taste in restoring the house which was in almost complete ruin.

This sketch by Richard S. Caldwell, architect, is the second in a 12-part series to be featured in LOUISIANA ARCHITECT. The drawings are part of a large collection to be presented in a forthcoming book illustrating the basic form of Louisiana architecture.

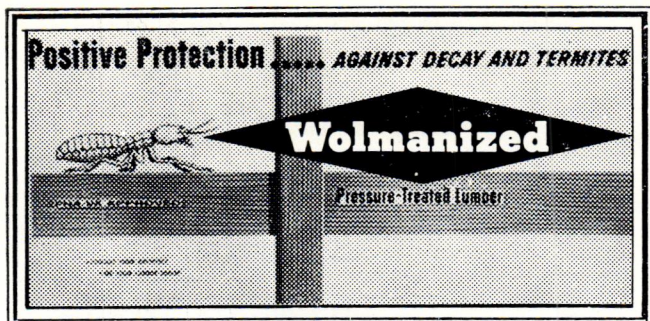
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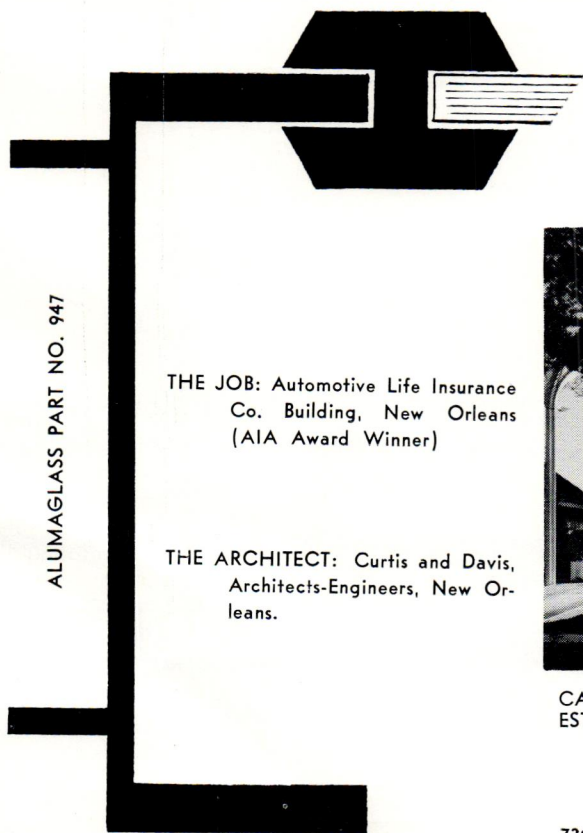
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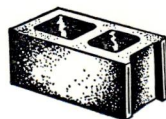
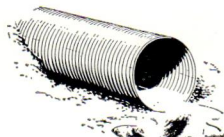
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